

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In The Matter of Charges and)
Complaint Against)
LAMBERT ABEYATUNGE, M.D.,)
Respondent.)

Case No. 10-10879-1

FILED

JUN 04 2010

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time filing of Benjamin J. Rodriguez, M.D., Van V. Heffner and Beverly Neyland, M.D., having a reasonable basis to believe that Lambert Abeyatunge, M.D., hereinafter referred to as Respondent, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Respondent is currently licensed in active status (License No. 7682), and has been so licensed since February 12, 1996 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.

2. Patient A was a forty-four year old (44) female at the time of the incidents in question. Her true identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient Designation served on Dr. Abeyatunge along with a copy of this Complaint.

3. Patient A went in for a laparoscopic gall bladder removal on September 1, 2005. Dr. Abeyatunge performed the surgery and injured the bile duct during removal of the gall bladder. Patient A required post-operative hospitalization for three (3) days with nausea and pain and was discharged with elevated liver function tests which were never adequately investigated in the post operative care.

///

5 5. On September 27, 2005, Dr. Abeyatunge added a high Roux-en-Y
6 hepaticojejunostomy in order drain a necrotic area near the proximal CBD. Patient A was then
7 discharged on October 11, 2005 again with elevated liver function tests.

6. Patient A returned to the ER on October 13, 2005 with intractable nausea and vomiting. Over one month later, Dr. Abeyatunge placed a feeding tube into Patient A's abdomen on November 20, 2005 for malnutrition and revised the Roux-en-Y jejunostomy. This procedure was complicated by wound dehiscence requiring re-operation. A final surgery was performed on November 26, 2005 by Dr. Chong for repair of the wound dehiscence.

13 7. Patient A lapsed into septic shock with multi-organ failure on December 15, 2005
14 and died on December 27, 2005.

Count I

16 8. All of the allegations contained in the above paragraphs are hereby incorporated by
17 reference as though fully set forth herein.

18 9. Nevada Administrative Code Section 630.040 defines malpractice as the failure of
19 a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used
20 under similar circumstances.

10. Nevada Revised Statute Section 630.301(4) provides that malpractice is grounds for initiating disciplinary action against a licensee.

23 11. Dr. Abeyatunge failed to use the reasonable care, skill, or knowledge ordinarily
24 used under the same or similar circumstances when he failed and omitted to refer Patient A to a
25 qualified hepatobiliary surgeon and/or failed and omitted to order further diagnostic studies to
26 fully define the extent of the bile duct injury and biliary anatomy.

12. By reason of the foregoing, Dr. Abeyatunge is subject to discipline by the Nevada State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

1 **WHEREFORE**, the Investigative Committee prays:

2 1. That the Nevada State Board of Medical Examiners give Dr. Abeyatunge notice of
3 the charges herein against him and give him notice that he may file an answer to the Complaint
4 herein as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of
5 service of the Complaint.

6 2. That the Nevada State Board of Medical Examiners set a time and place for a
7 formal hearing after holding an Early Case Conference pursuant to NRS §630.339(3);

8 3. That the Nevada State Board of Medical Examiners determine what sanctions it
9 determines to impose if it determines there has been a violation or violations of the Medical
10 Practice Act (Nevada Revised Statutes Chapter 630) committed by Dr. Abeyatunge; and

11 4. That the Nevada State Board of Medical Examiners make, issue and serve on
12 Dr. Abeyatunge its findings of facts, conclusions of law and order, in writing, that includes the
13 sanctions imposed; and

14 5. That the Nevada State Board of Medical Examiners take such other and further
15 action as may be just and proper in these premises.

16 DATED this 4th day of June, 2010.

17 THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

18
19
20 By: 

21 Bradley O. Van Ry, Esq.

22 Deputy General Counsel and Attorney for the Investigative Committee
23
24
25
26
27
28

VERIFICATION

STATE OF NEVADA)
 : ss.
COUNTY OF CLARK)

Benjamin J. Rodriguez, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, that he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this 4th day of June, 2010.



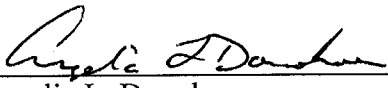
Benjamin J. Rodriguez, M.D.

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 4th day of June 2010; I served a file copy of the COMPLAINT, PATIENT DESIGNATION and Original Settlement, Waiver and Consent Agreement along with Fingerprint Information, by mailing via USPS certified return receipt to the following:

Lambert Abeyatunge, M.D.
2080 E. Flamingo Rd., #310
Las Vegas, NV 89119

Dated this 4th day of June 2010.



Angelia L. Donohoe
Legal Assistant